

October 1st, 2016

SUBMITTED ELECTRONICALLY VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW Washington, DC 20554

Re: Appeal of Lone Star Public Schools (BEN: 140103), for denial of FY
2013 Application 880118 FRN 2400933

Pursuant to 47 C.F.R. § 54.719(a), Lone Star hereby respectfully submits this appeal of decisions by the Universal Service Administrative Company (USAC) to deny FRN 2400933 for Funding Year 2013.

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The reason for denial:

“The FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order, that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to the prices available commercially and stated that ‘there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost effective, absent extenuating circumstances.’”

Also:

You provided a document with a signature date of August 31st, 2012, which states “include web hosting and email from NewNet66. I guess for whomever submits bids. This seems to indicate a pre-disposition to selecting Meet Point since this statement was made prior to the issuance of a 470.”

Signed:

_____/s/____

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I. INTRODUCTION

Lone Star Public Schools (Lone Star or the District) hereby respectfully requests that the Universal Service Administrative Company (USAC) reverse its decision to deny Schools and Libraries (E-rate) universal service funding to Lone Star for its FRN 2400933 on 471 Application Number 880118 for Funding Year 2013.

USAC denied the District's request for funding because USAC claims that the District did not select the most cost-effective bidder to provide its Internet access services. To the contrary, as the discussion below will explain, the District satisfied all of the program's competitive bidding rules and selected the most cost-effective services, when it considered price and its other evaluation criteria. USAC's use of a bright-line standard is contrary to Commission precedent stating no such bright-line test exists, and, regardless, *Ysleta* is not applicable here.

Upholding the denials of these applications will preclude a fair and open competitive bidding process in which all bids are fairly evaluated, render the competitive bidding process meaningless and will force schools to select a lower-cost bid, even if not the most cost-effective, contrary to program rules – and possibly their own competitive bidding requirements. For practical purposes, this ruling by USAC will make price the only factor that matters in the E-rate competitive bidding process. That will result in many applicants selecting services that do not provide the best value for them or, therefore, the E-rate program. Such an outcome would not serve the E-rate program or statutory goals. Thus, we respectfully ask USAC to reverse its decision and grant funding to the District for the funding request at issue.

II. BACKGROUND

Lone Star is a small, rural school district in northeastern Oklahoma. The District has approximately 900 students and at the time that the competitive bidding process was conducted,

the district had one IT person on staff.¹ That person, Ed Aycock, was also responsible for teaching a class and driving bus routes in the morning and afternoon.

For Funding Year 2013 the District filed a 470 requesting bids for Internet access and additional services.² The District also released a Request for Proposal on September 14th, 2012.³ Included in this RFP were requests for Internet access, email, web hosting and Internet maintenance services.

The District received six bids for the Internet access portion of the RFP: Meet Point Networks, AT&T, Onetel, One Source, AIP Solutions and OneNet.⁴ After carefully evaluating the bids received, the District selected Meet Point Networks to provide their Internet access under a multi-year contract.⁵

On May 20th, 2016 USAC issued a Notification of Commitment Adjustment Letter that denied the funding request for Meet Point services on FRN 2400933.⁶ The reason for the denial states:

“The FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order, that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to the prices available commercially and stated that ‘there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost effective, absent extenuating circumstances.’”

¹ Affidavit of Ed Aycock, ¶ 1

² FCC Form 470 #457570001044626 (FY 2013 Form 470).

³ FY 2013 RFP, Exhibit 1.

⁴ See Exhibit 2, Bids Received.

⁵ FCC Form 471 # 880118, EXHIBIT 3. The services also include 24 x 7 troubleshooting and repair, onsite visits to restore Internet access, firewall services, and email and web hosting.

⁶ Exhibit 4, Notification of Commitment Adjustment Letter, dated 5/20/2016.

Lone Star received a USAC Appeal Denial Letter for 2013 on August 5, 2016.⁷

By this letter, the District appeals USAC's decision to rescind its funding commitments. Commission rules allow 60 days for the filing of an appeal to the FCC.⁸ Because this appeal is filed within 60 days of USAC's decision, it is timely filed.

III. LONE STAR DID NOT “PRE-DETERMINE” OR PRE-SELECT MEET POINT PRIOR TO THE BID EVALUATION PROCESS

In the Commitment Adjustment Letter, USAC alleges that the District pre-selected Meet Point because of correspondence to the District's consultant before the 470 was posted. That correspondence states: “Include web hosting and email from NewNet66. I guess for whomever submits the bids.” This correspondence from the school was a response from the consultant asking what services the consultant should list on the 470. Mr. Aycock was simply providing direction to the consultant to include the types of services the school was currently getting from NewNet66, web hosting and email services and does not indicate a pre-determination of a service provider (as the next sentence states – “for whomever submits the bids.)” The District was simply making sure that the consultant knew what type of services the District wanted to be bid out. There was no pre-selection of NewNet66/Meet Point before the bid evaluation process began. Mr. Aycock makes this clear in his affidavit – “My intention was to get these services from the same supplier as the internet access regardless of who it was.”⁹

⁷ Administrator's Decision Letter 2013, Exhibit 5.

⁸ 47 C.F.R. § 54.719(a); 47 C.F.R. § 54.720(b).

⁹ Aycock Aff. ¶ 9

IV. BECAUSE LONE STAR SELECTED THE MOST COST-EFFECTIVE SERVICES, ITS E-RATE APPLICATION FOR FY 2013 SHOULD BE RE-INSTATED

Federal Communications Commission rules require applicants to seek competitive bids for all services and equipment eligible for E-rate discounts.¹⁰ Applicants are required to “carefully consider all bids submitted” and to select “the most cost-effective service offering” using the price of eligible goods and services as the primary factor.¹¹ Under section 54.511(a) of the Commission’s rules, an applicant “may consider relevant factors other than the pre-discount prices” submitted by providers to determine which service offering is the most cost-effective, so long as price is the primary factor considered.¹²

The Commission’s *Tennessee Order* ruled there is a presumption of cost-effectiveness when the applicant meets all of the requirements of the competitive bidding process and when the applicant pays its share of the costs.¹³ Nevertheless, USAC alleges that the District did not select the most cost-effective service offering. USAC claims that the District’s selection of services that cost more than two times another bid violates the Commission’s directive in *Ysleta*.¹⁴ The “standard” used by USAC, however, has never been adopted by the Commission as a bright-line standard for cost-effectiveness. USAC is also applying this standard to compare

¹⁰ See 47 C.F.R. § 54.503(a)-(b) (2014). See also *In the Matter of Fed.-State Joint Bd. on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 97-157 at ¶ 480 (1997) (*First Universal Service Order*) (finding that “fiscal responsibility compels us to require that eligible schools and libraries seek competitive bids for all services eligible for [E-rate] discounts.”).

¹¹ *Id.* at § 54.511(a) (2012) and (2014). See also 47 C.F.R. §§ 54.503(c)(2)(vii), 54.504(a)(1)(xi) (2012) (requiring applicants to certify on FCC Forms 470 and 471 respectively that the most cost-effective bid will be or was selected).

¹² 47 C.F.R. § 54.511(a).

¹³ *Tennessee Order* at ¶¶ 9-12 .

¹⁴ See Funding Commitment Decision Letter; *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District El Paso, Texas, et al.*, Order, FCC 03-313, 18 FCC Rcd 26407, n. 138 (2003) (*Ysleta Order*).

bids that provide different service components (that are eligible). Further, the dicta in *Ysleta* is not applicable to this case.

A. Lone Star Followed E-rate Competitive Bidding Rules to Select the Most Cost-Effective Bid, Contrary to USAC's Allegations.

In the *Universal Service Order* establishing the E-rate program, the Commission agreed with the recommendation of the Federal-State Joint Board on Universal Service that schools and libraries should not be required to choose the lowest-priced service but instead should be allowed the “‘**maximum flexibility**’ to take service quality into account and to choose the offering or offerings that meets their needs ‘most effectively and efficiently.’”¹⁵ In the *Second Report and Order*, the Commission codified the requirement that price must be the primary factor when applicants analyze bids they have received.¹⁶

Significantly, the Commission’s rules have never required schools and libraries to select a provider offering a lower price, even among bids for comparable service.¹⁷ Given that price, as a category, only has to be weighted one point higher than any other category,¹⁸ however, it is quite likely that a vendor could be awarded fewer points in the cost category yet still win the bid

¹⁵ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, at ¶ 481 (1997) (*Universal Service Order*) (quoting the Joint Board’s recommendation).

¹⁶ *See Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, FCC 03-101 (2003) (codifying 47 C.F.R. §54.511(a)) (*Second Report and Order*); *see also School and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808 (2004) (codifying 47 C.F.R. § 54.504(b)(2)(vii) and 47 C.F.R. § 54.504(c)(1)(xi)) (*Fifth Report and Order*).

¹⁷ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9029, para. 481 (1997) (subsequent history omitted) (*Universal Service Order*). *See also Tennessee Order* at ¶ 9 (“Even among bids for comparable services, however, this does not mean that the lowest bid must be selected.”).

¹⁸ If, for example, a school assigns 10 points to reputation and 10 points to past experience, the school would be required to assign at least 11 points to price. *See Ysleta Order* at ¶ 50, n. 138.

based on points earned in the technical (non-price) categories. In fact, the Commission has stated repeatedly that price cannot be the only factor for the obvious reason that “price cannot be properly evaluated without consideration of what is being offered.”¹⁹

The District met the Commission’s requirements by giving more weight to price than to any other factor it used in the selection process and by appropriately awarding points in the other non-cost factors. The bid evaluation sheets used by the District allotted a maximum of 25 points for the price of eligible goods and services.²⁰ The other categories – service history, expertise of company, understanding of needs/completeness of bids, and the location of the company – all had maximum points of 20 or fewer.²¹

Lone Star received six bids for its Internet access services. In addition to the price category, as described above, Lone Star evaluated bidders based on service history; the expertise of the company; understanding of the district’s needs/completeness of bids; and the location of the company. Meet Point earned the most points for the location, service history, expertise of the company, and understanding the needs/completeness of bids categories, AIP, the low bidder received the most points for price of eligible goods and services.²²

USAC points to three bids that they have deemed more cost effective, and USAC has indicated that these are the bids that the district should have selected. These three bidders are: AIP, One Source and OneNet. However, two of those companies, AIP and OneSource did not bid the requested services. On the District’s RFP Lone Star indicated that in addition to Internet access, they wanted web hosting, email and Internet maintenance services. Neither AIP nor One

¹⁹ *Tennessee Order* at ¶ 8.

²⁰ Bid Evaluation Sheets, Exhibit 6.

²¹ *Id.*

²² *Id.*

Source bid the maintenance, web hosting or email services. Their bid was deficient and their bid evaluations reflect those deficiencies.²³ Comparing the bids of AIP and One Source to the winning bidder, Meet Point networks is a futile exercise because the Meet Point bid includes services that were not included (and that were requested on the RFP) in the AIP or One Source

Location is important to Lone Star because it is an indicator of responsiveness if issues with the service arise and as Mr. Aycock has stated – “We need a supplier that can respond quickly to an outage.”²⁴ Meet Point is located in Bixby, Oklahoma, approximately fifteen minutes from Lone Star’s location in Sapulpa OK (15 miles). OneNet is located six times further away in Oklahoma City (91 miles), approximately an hour and a half driving time. Lone Star decided to award more points for the service provider that is closest to the District, as it has experienced more timely restoration of services from a provider with closer offices.

Most importantly, Lone Star considered the quality of service, as the Commission explicitly recognized in *Tennessee*, and selected the bid that met its needs “most effectively and efficiently.”²⁵ To meet the needs of its students and teachers, Lone Star required an Internet access service that provided strong network security.²⁶ Meet Point received higher scores because they offered services that OneNet, AIP and One Source did not include on their bid – specifically firewall services.²⁷ Firewall services are especially important to a school district that is understaffed in the IT department. Ed Aycock, the part time IT director (who was also

²³ Aycock Aff, ¶ 15

²⁴ *Id.*

²⁵ *Tennessee Order* at ¶ 9

²⁶ Aycock Aff, ¶ 9

²⁷ Aycock Aff, ¶ 15

responsible for teaching a class and driving bus routes in the morning and afternoon) was responsible for over 758 network devices on campus.²⁸

Lone Star felt that it was essential that it had a company that could resolve any issues in the most expeditious manner possible.²⁹ It was not beneficial for the district to have a service that required a lot of staff time in the restoration process. When the Internet is down, the teacher cannot skip a lesson or wait until next week when the Internet is working again. Every minute of classroom time is valuable, especially with the demands upon the education system today. Similarly, online testing cannot be pushed to a different time. Therefore, service quality (and the ability to quickly restore that service) is an essential component of the selection process.

Meet Point received higher scores in the non-price categories based upon the District's direct experience with the people that ran Meet Point in previous funding years – the school described their performance as “excellent service.”³⁰ The staff at Meet Point had been responsible for initiation of the Internet services; configuration of the router; determining the cause of any issues with the services and resolving those issues; and the configuration, administration and issue-resolution of email services. Their work ethic demonstrated a commitment to providing the best services for the District. In addition, Meet Point's technical expertise far exceeded that of other companies. As the Commission has noted, “[A] school should have the flexibility to select different levels of services, to the extent such flexibility is consistent with that school's technology plan and ability to pay for such services.”³¹ The quality of service and responsiveness when problems arise are especially important to small districts that have few employees focusing on technology.

²⁸ Aycock Aff, ¶ 8

²⁹ Aycock Aff, ¶ 15

³⁰ *Id.*

³¹ *Tennessee*, Para. 9

In contrast, OneNet received lower point awards in the non-price categories. Specifically, Lone Star had heard from multiple OneNet customers that OneNet was “oversubscribed” and that those customers were not getting the bandwidth they had ordered.³² What is the point of going with a lower-priced provider if you don’t get what you are paying for?

In fact, in 2011 OneNet sponsored a K12 conference in OK – *NetPotential* 2011. During this conference, Von Royal, the Executive Director and CIO of OneNet admitted they had problems with their network, and that they were “not pleased with all the levels of service we were providing, so we undertook a major upgrade.”³³ The word in the K12 community at that time was that OneNet was oversubscribed (meaning you could order a 100 Mb circuit and only get a portion of that bandwidth) – as Wes Fryer, a respected K12 technology advocate in Oklahoma, writes: “OneNet has historically over-subscribed its k-12 educational network when it comes to bandwidth.”³⁴ OneNet themselves admitted that their network had not been performing to the standards they would have liked. This was common knowledge in the Oklahoma K12 community at the time.

In the category “understanding the District’s needs,” Meet Point offered services not offered by the other providers, email & web hosting (not offered by AIP or One Source) onsite turn up, onsite visits to restore Internet access, and firewall services.³⁵ As noted by the Commission, applicants cannot properly consider price without consideration of what services

³² Aycock Aff, ¶ 15

³³ *Moving at the Speed of Creativity* October 21, 2011, <http://www.speedofcreativity.org/2011/10/21/netpotential-2011-conference-notes-netpotential11/>

³⁴ *Moving at the Speed of Creativity*, March 22, 2011, <http://www.speedofcreativity.org/2011/03/22/iphone-tethering-cellular-bandwidth-consumption-the-home-school-internet-access-divide/>

³⁵ Aycock Aff, ¶ 15

are being offered. Here, Meet Point offered additional services that AIP, One Source and OneNet did not include in their bid proposal.

Lone Star evaluated the Internet access providers based on categories that it determined were important. That evaluation led Lone Star to select the service provider with the offer that best met the District's needs. It chose Meet Point because it determined that the service history, expertise of the company, location, and the company's understanding of the District's needs were superior to that of OneNet – as allowed and encouraged by Commission orders and E-rate program rules.

B. The Commission Has Never Established a Bright-Line Standard, as USAC Has Done Here.

After adopting the guidance on cost-effectiveness in *Tennessee*, the Commission declined to adopt a bright-line standard for cost-effectiveness. In the *Third Report and Order* – released two weeks after *Ysleta* – and in a paragraph directly referencing *Ysleta*, the Commission specifically noted it did not have a bright-line test for cost-effectiveness: “Nor do our rules expressly establish a bright line test for what is a ‘cost effective’ service.”³⁶ The Commission

³⁶ See, e.g., *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Third Report and Order and Second Further Notice of Proposed Rulemaking, FCC 03-323, at ¶ 87 (*Third Report and Order*) (“Our rules do not expressly require, however, that the applicant consider whether a particular package of services are the most cost effective means of meeting its technology needs. Nor do our rules expressly establish a bright line test for what is a “cost effective” service.”); *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Notice of Proposed Rulemaking, FCC 13-100, at ¶ 213 (*Modernization NPRM*) (“[W]e seek to refresh the record on whether we should adopt bright line tests, benchmark or formula for determining the most cost-effective means of meeting an applicant’s technology needs.”). It is notable, however, that the Commission appeared to focus on situations where no bid or only one bid was received, and those situations where applicants are selected expensive priority one services simply because they are supported, even though they are unnecessary or when less expensive services would fill the same need. *Modernization NPRM* at ¶¶ 203, 212-213.

has twice sought comment on whether to adopt specific standards or provide additional guidance with respect to this rule, but has so far declined to do so.³⁷

Contrary to these Commission declarations, however, USAC points to *Ysleta* as support for stating that Lone Star's services are not cost-effective, by stating that the services selected through Lone Star's competitive bidding process were more than two times the OneNet, One Source and AIP Solutions bids. There are several problems with USAC's reliance upon *Ysleta* here. First, USAC appears to be establishing a bright-line rule even though the Commission has expressly stated that it has not adopted a bright-line standard.³⁸ As USAC is aware, USAC cannot interpret Commission rules.³⁹ As such, USAC should not use a bright-line standard of "two times" other bids to determine that services selected through Lone Star's competitive bidding process are not cost-effective. Further, the Commission directed USAC to review its approach to cost-effectiveness reviews and then share the information with applicants and services providers before it attempts to implement a new approach, with oversight performed by the Wireline Competition Bureau and the Office of the Managing Director.⁴⁰ As of the date of filing this appeal, USAC has not provided this information. It is a potential violation of the

³⁷ In 2003, in the *Third Report and Order*, the Commission sought comment on whether it should codify additional rules to ensure that applicants make informed and reasonable decisions in deciding for which services they will seek discounts. *Third Report and Order*, at ¶ 87. In the *Modernization NPRM*, the FCC sought comment on adopting new standards for cost-effectiveness. *Modernization Order*, at ¶¶ 211-216. In the *First Modernization Order*, the Commission provided limited guidance related to the showing of cost-effectiveness necessary to receive funding for data plans for wireless devices and wireless air cards providing Internet access. The Commission ruled the wireless services are not cost-effective if they are duplicating service already being provided. *Id.* at ¶ 151.

³⁸ See *Third Report and Order* at ¶ 87; *Modernization NPRM* at ¶ 213.

³⁹ 47 C.F.R. § 54.702(c).

⁴⁰ *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, *Connect America Fund*, WC Docket No. 90-90, Second Report and Order and Order on Reconsideration, FCC 15-189 (2014) at ¶ 126.

Administrative Procedure Act and, at a minimum, fundamentally unfair to applicants to adopt a new standard of review and simply not tell the applicants what the standard is before holding them to it. In fact, the Commission should seek comment in a rulemaking process to establish a new standard, as it has done twice before without adopting such a standard. As the Commission has recognized by seeking comment on this issue, the Commission should adopt an order revising its own precedent if it desires to do so.⁴¹

Second, *Ysleta*'s facts are not applicable to this situation. The Commission in *Ysleta* analyzed a competitive bidding process in which the school district received one or no bids.⁴² Lone Star sought bids through the FCC Form 470 process for its E-rate eligible services. In *Ysleta*, the Commission stated – in dicta – that a price for a piece of *equipment* two to three times “the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances.”⁴³ The example the Commission gave in *Ysleta* was of a piece of equipment. Equipment, unlike services, are commodities and more easily comparable. Even so, people often make purchasing decisions based on the quality of the brand of the product. The same is true – and even more so – for services. Evaluations of competing services are, of course, different than evaluating bids for the same piece of equipment. When evaluating a service, Applicants will have to consider the reliability of the service, the ability of the service provider to restore service in downtimes (including the technical expertise of the staff), and if the service provides the elements the Applicant would be purchasing (for example, are we really getting the amount of Internet access we have ordered?). Accordingly, USAC should not use *Ysleta* to support its analysis when comparing services, especially when the bids are different and include different,

⁴¹ *Third Report and Order*, ¶ 87; *Modernization NPRM*, at ¶¶ 213.

⁴² *Ysleta* at ¶ 54.

⁴³ *Id.*

eligible services – such as on-site technical support and firewall services. As described above, Lone Star compared the quality of services of Meet Point with the services provided by OneNet, One Source and AIP Solutions and reached the conclusion that Meet Point’s services were superior.

Third, the *Ysleta* decision does not establish a standard that applicants are precluded from selecting bids that are twice as expensive as “the lowest bid.” The standard in *Ysleta* is “two or three times” the prices that are **commercially available** for those services,⁴⁴ which begs the question: *What would have been the pricing of the lower bidders had they included the additional, eligible services that Meet Point provides, or if those lower-priced bidders had the level of expertise of the Meet Point staff?* Of course, the answer to that question is “unknown” which means comparing these two bids using the *Ysleta* standard is a moot exercise and is not a fair evaluation of what is and is not cost effective.

Is Meet Point’s bid “too expensive” for USAC to fund? We disagree with the conclusion that it is. The only way to determine if the bid is “too expensive” is to compare it to other commercially available services. USAC did not compare Meet Point’s bid, which provided for different levels of support (cell phone numbers for the principals, on-site support and turn up) and different services (firewall services) than the other bidders, to other similar, commercially available offerings. USAC, in trying to make that determination could have surveyed local providers to determine what the commercially reasonable local price would be for a similar set of services (both scope and quality), or USAC could have used existing information they have gathered via 471 submissions about similar Internet access services provided in Oklahoma. We

⁴⁴ *Id.*

believe the price that Meet Point charges, given the level of support, the technical expertise of their staff and additional services offered, is commercially reasonable.

Additionally, we note that USAC funded the 2013 FRN for the District. USAC knew exactly how much they were paying for exactly how much bandwidth. USAC has cost-effectiveness standards before they fund applications to “red flag” funding requests that are out of a normal range. The District’s 2013 FRNs did not trigger one of those USAC pre-funding cost effectiveness review. For USAC to fund the FRN, knowing exactly how much they were paying for a specific amount of bandwidth and services and then years later demand that the District repay that funding is patently unfair to the District.

Finally, the Commission in *Ysleta* was also describing a situation in which there was only one bidder, and therefore no competitive bidding, this precluding the applicant from any comparison of services or price.⁴⁵ In such a case, the applicant is at the mercy of the service provider’s pricing and does not have a choice as to providers. Lone Star was not held hostage to one provider. It received multiple bids and made a reasoned judgment regarding the services and comparative costs that met its needs through its competitive bidding process.

The reason that Lone Star selected a more expensive service provider – even though funding for schools is tight in Oklahoma – is that a properly functioning Internet service is critical to the success of its students. The evaluation categories of location, service history, expertise of the company and understanding the needs of the District all relate to whether the Internet access service will function as expected or be repaired as quickly as possible. Internet access services are as important to Lone Star as its other utilities, including heat and water. With the way the curriculum is structured, the schools simply cannot function if the Internet is not

⁴⁵ *Id.*

accessible. It is not cost-effective for either the District or the E-rate program to pay for an Internet service – no matter how inexpensive it is – that does not further the goal of providing students with access to greater educational opportunities. Further, the District believed it was cost-effective for its needs as a small, rural district, to pay extra for a service that included enhanced levels of support and protection (*i.e.*, the firewall). Lone Star chose the service provider that was most cost-effective for its needs.

C. USAC's Decision in This Case Undermines Program Policies and Goals

Application of USAC's decision on a consistent basis will not further E-rate program policies and goals. First, it will force applicants in some cases to select a provider that does not offer the most cost-effective services for the applicants' needs – and likely could cause applicants to perform a disingenuous bid review process. Second, this decision could require applicants to weight price more heavily in the bid evaluation process – which is not required by Commission rules – in order to try to meet USAC's newly created standard. Finally, the District will suffer significant harm if its funding is denied.

First, USAC's attempt to second-guess the work of the District will force applicants to select a lower-priced offering, regardless of quality or other relevant criteria, so they will not be subject to second-guessing months or years after the conclusion of the competitive bidding process. To prevent this potential denial of funding, applicants will be forced to select a lower-price bidder, notwithstanding their review of the vendors' bids using the other factors important to the individual applicants.

Using such a standard will lead to a disingenuous bidding process. Applicants are required to consider all valid bids received.⁴⁶ Is it really USAC's position that an applicant must

⁴⁶ 47 C.F.R. § 54. 511(a).

evaluate a bid that is two times more expensive than the other bids, but that bid (under USAC's interpretation of *Ysleta*) must always lose? Are applicants supposed to manipulate the evaluation process so that the more expensive vendor receives fewer points, notwithstanding the reviewer's actual analysis of the bid responses? A fair and open competitive bidding process cannot have pre-determined outcomes. Such a result could cause applicants to violate their own competitive bidding requirements. Further, what is the point of allowing the applicant the "maximum flexibility" to consider service history, quality of service, or other reasonable factors of a bid that USAC has pre-determined must always lose? An applicant that follows all of its own state and local procurement rules should not be prohibited from selecting a bid that meets its needs, but for a non-codified standard that USAC has decided to impose. If it is truly the intention that bids that are twice as much as the lowest bid are, on face, not cost-effective and should never win, then the program should explicitly allow applicants to disqualify those bids before the bid evaluation process begins, even if no disqualification factors are listed by the applicant in the FCC Form 470 and/or RFP. As it stands right now, applicants are required by FCC rules to evaluate all bids received and applicants do not have the authority to disqualify bids that are twice as expensive as the lowest bid received.

Second, USAC's process to determine cost-effectiveness is flawed. USAC's current interpretation of *Ysleta* places the applicant in an untenable position - the applicant is required to evaluate all bids, required to use specific bid criteria weighted in a specific manner and conduct an open and fair competitive bidding process. Even when an applicant complies with all of these rules and follows all of the approved processes, if a bid is awarded the most points and determined to be the best fit for the applicant's needs, but is twice as much as a lower bid, what can an applicant do? The applicant can't simply throw out the bid or disqualify it – not only

would the winning bidder have legal recourse against the applicant should the applicant throw out that bid, but the applicant could very well be in violation of local or state competitive bidding rules for not proceeding with the bid that was awarded the most points. Under USAC's interpretation of Ysleta, that bid should never win, but using the FCC's competitive bidding process and rules it did. What is the point of following all of the competitive bidding rules if it produces an outcome that USAC won't fund?

There are no allegations of competitive bidding rule violations by the District. USAC's concerns about cost-effectiveness seem better directed at the bid evaluation process that produced an outcome that USAC deems too expensive (perhaps the Commission should set more stringent procedures for weighting Price of Eligible Goods and Services at 50% of the total available points) than directing those concerns at the District. How can a winning bid be determined to be "too expensive" by USAC if the applicant properly evaluated price (and correctly awarded points) according to the Commission's rules and procedures?

Third, USAC's denial suggests the price differential should have been weighted more heavily than the District weighted it. To reach such a result, USAC is effectively overruling Commission precedent that only requires that pricing be given at least one more point than any other individual category.⁴⁷

⁴⁷ As described above, USAC appears to be going beyond Commission precedent to establish a new standard without basis in Commission precedent. USAC, however, is not authorized by the Commission to interpret Commission rules. Under the Commission's rules, USAC "may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress." 47 C.F.R. § 54.702(c). To the extent the Commission's rules are unclear, USAC has no authority to act without first seeking guidance from the Commission. *See id.* Moreover, the District proceeded entirely in accordance with Commission precedent when it evaluated relevant factors other than price. As a result, USAC has acted outside its authority by finding that Lone Star, despite having strictly followed the Commission's rules and precedent, failed to adhere to the Commission's requirements. Furthermore, if the Commission decides that a revision to the

At a minimum, USAC's decision here substitutes its judgment on the merits of the competitive bidding process for that of the District. When the Commission established the rules for the E-rate program in 1997, it stressed that a fundamental principle would be the determination of local needs by local decision-makers regarding what services would work best for that school or school district.⁴⁸ It did not try to impose a top-down regime where the federal government decided the merits of each service choice of a particular school or district. The idea was that the thousands of schools and districts would know their own technology needs better than the federal government. The Commission has not wavered from this principle. If this decision stands, USAC would be free to evaluate the merits of the respective bidders without the knowledge that applicants have regarding service quality, service history, personnel qualifications, and the value they are receiving for the services purchased. There is simply no way USAC can make a proper evaluation of the bids without that information. In this case, while Lone Star has attempted to provide that information in responses to USAC's reviews, it appears that USAC has discounted the information or failed to take it into consideration, focusing exclusively on the price of the services.

D. If USAC Still Finds the Services Were Not Cost-Effective, USAC Should Commit Funding for Lone Star at a Level That Is Cost-Effective

USAC should, at a minimum, approve part of Lone Star's funding request. There is precedent for such an approach. In the *Fifth Report and Order*, the Commission provided direction for USAC for recovery of funding when it was improperly disbursed.⁴⁹ Cost-

rule would advance program goals, such an interpretation should be provided by the Commission before it is applied, and following a notice-and-comment rulemaking.

⁴⁸ *Universal Service Order* at ¶¶ 481, 574.

⁴⁹ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order and Order, FCC 04-190 (2004) at ¶¶ 15-44 (*Fifth Report and Order*).

effectiveness is not directly addressed in that order.⁵⁰ However, some of the other illustrations provide guidance for the cost-effectiveness rule. If a carrier charges the beneficiary “an inflated price,” the *Fifth Report and Order* directs that USAC should recover amounts disbursed in excess of what similar situated customers are normally charged in the marketplace.”⁵¹ Similarly, here, if the standard is that cost two times other pricing is not cost-effective, then, by implication, a price 1.9 times the cost is cost-effective. As such, USAC could calculate the cost of the eligible service at 1.9 times that of a lower price and fund that amount for Lone Star. In addition, the Commission has ruled that, when two providers are providing the same service and one is less expensive, the applicant shall be reimbursed for its Internet connection at the lower rate.⁵² Following that logic, USAC could reimburse the applicant at the rates offered by a different provider. Such an approach would minimize the harm caused by USAC’s delay in determining it had an issue with Lone Star’s selection of Meet Point as its service provider.

* * *

⁵⁰ *Id.* The Commission states that full recovery is appropriate for competitive bidding violations. However, this is not a competitive bidding violation. USAC found no issues with the competitive bidding process; it disagreed with the outcome. There are no allegations that the process was not fair and open, price was not the primary factor or that bids were not solicited for at least four weeks.

⁵¹ *Fifth Report and Order* at ¶ 30. The Commission also discusses situations in which the beneficiary has requested a “clearly excessive” level of support. That situation is not applicable here, as the examples are those when the beneficiary is requesting a number of lines or equipment that is beyond what is necessary. There is no dispute here that the District requires this level of capacity for broadband services, nor are there any allegations that these services are duplicative or redundant.

⁵² *Schools and Libraries Universal Service Support Mechanism*, Requests for Review by Macomb Intermediate School District, CC Docket No. 02-6, Order, FCC 07-64 at ¶ 9 (2007). This rule is applicable when the applicant could have purchased all of the services from one provider at the lower rate but chose not to, and when the services provided do not exceed the total capacity required.

For the reasons stated above, the District respectfully requests that USAC reconsider its initial decision and grant its funding requests for FY 2013. As the foregoing has demonstrated, the District met the Commission requirements for competitive bidding, and selected the most cost-effective bid available to meet its needs.

List of Exhibits

Exhibit 1: RFP

Exhibit 2: Bids Received

Exhibit 3: 471 Application

Exhibit 4: COMAD

Exhibit 5: Administrator's Decision Letter

Exhibit 6: Bid Evaluation Sheets

Affidavit

**Before the Federal Communications Commission
Washington, D.C.**

In the Matter Of)	
)	
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	
)	
Request for Review and/or Waiver)	Application No. 726295
By Lone Star SD #8)	
of the Funding Decisions by the)	
Universal Service Administration Company)	

Affidavit of Lone Star School District 8

I, Ed Aycock, swear:

BACKGROUND

1. I am the Technology Director and have held this title for approximately 16 years. I configure, install, manage, troubleshoot, and repair: computers, laptops, tablets, servers, switches, firewalls, Wi-Fi controller and access points, Smart Boards, projectors, and troubleshoot some printers and phones. I manage licensing and installation, configuration, troubleshooting, updating, and training for our software services and applications. I install testing clients and configure computers and laptops for state testing as well as preparing cabling and cords to physically connect all laptops to insure the best performance of the equipment during testing. I am responsible for equipment purchases needed to meet the technology goals of the school including: replacement/upgrade parts, whole systems, software, network equipment, or internet access. I do research and make recommendations regarding products and vendors when a technology project is being

considered. In addition to my technology responsibilities, I teach a keyboarding class and occasionally cover classes for other staff when necessary. I drive a school bus before and after school daily as well.

2. I was first employed here as a Civics and History teacher in August 1986. I was given an elective lab class of Apple IIe computers and was told to just give them a disk and they'll know what to do. I started trying to learn how to use and maintain these out of necessity. As technology continued to advance, I continued to try and keep up. I eventually took some Jr. College classes and Vo-Tech classes to learn some networking, server management, and computer repair skills. As our needs grew and more equipment was needed, I learned by experience and with the help of some colleagues. I asking other technology people and my administration how to purchase equipment for the school. Most of my training has been on the job training. As the need continued to grow, I became more a full time tech person and less a teacher until I only have one class now.
3. I have a BS in Health and Physical Education from Oral Roberts University. I taught P.E. for 4 years before leaving education to work construction. After 6 years as a painting contractor, I went back into education. I went to night and summer school for 3 years to complete the additional course work necessary to be certified to teach American History and Civics. I completed that course work at Tulsa Community College and Northeastern State University.
4. We are located in Sapulpa, OK on the southwest boarder of town. We are a Dependent Elementary District which means we have no high school in the district. Students have to go to another district for high school. We have 900 students with about 20-25% of them being transfers from surrounding districts. We serve students from Pre School through

8th Grade. We have over a 50% Free and Reduced Lunch population. Our school campus has 6 separate buildings that have student classrooms. We are considered an urban district though a large area of our district is rural.

5. Lone Star has no industrial or retail business property in the district so the school is totally reliant on state funding for revenue. We have not yet ever been funded for category 2 E-rate so we have had to build our network infrastructure slowly as funds were available. In the beginning of our technology growth, 50% of our computers were obtained from donations. The largest donation was from Amoco, but we took donations from parents, Airgas Inc., Cimarex Inc. and even other schools who were updating their technology. We held fund raisers to purchase laptops and carts 3 different years. Last year a fund raiser was used to buy 2 class sets of Chromebooks to pilot a 1:1 program. This year we passed a bond issue to purchase 10 class sets of Chromebooks. We currently have 758 devices that connect either through Ethernet or wirelessly to our network. I am the only tech person on staff to configure, manage, trouble shoot, and repair equipment. Our choice of an internet provider who helps with install, configuration, and troubleshooting of our network equipment has been vital to the stability of our infrastructure. Having help in that core area of my responsibilities has been indispensable to me.

IMPORTANCE OF TECHNOLOGY

6. The use of computers and Smart Boards has become an integral part of the day to day business of education. From doing lunch counts for the cafeteria so their meal preparations are accurate, taking daily attendance and automated calls to parents,

preparing and delivery of instruction, and engaging students with interactive activities and previously inaccessible information, technology is more than just a convenience. It is necessary for accomplishing the mission of preparing children for the future.

7. We have had very few times when our internet connection was down. When that happens, the normal level of activity slows down and lunch counts, attendance, and other communication has to be handled by hand written notes delivered by students. The office personnel have to manually enter the data. Teachers have to scramble to work their lesson plan using different media than they prepared for. During state testing, tests have to be cancelled and rescheduled and the schedules for use of the computer labs have to be rewritten.

When the internet connection is just overwhelmed because of not enough bandwidth to meet the demands, it is nearly as difficult. It is frustrating for students to be working on a test and the next page doesn't open and they have to wait. Worse is when the test freezes and they get an error screen and they panic that their test will be lost and they'll have to start over. And some of our programs like the grade book program and the cafeteria Point Of Service program will not work without sufficient bandwidth.

8. NOTE: 2013-2014 was the first year that I completed the bid evaluations for Internet Access for Lone Star School. At this time email services and web hosting were still covered by E-rate and some bidders included that in their internet access bid. We had used AT&T and Cox Communications for service providers in the past. Our experience with AT&T was above average from the stand point of access continuity. We rarely lost access. When we did, they were pretty good about getting it fixed quickly. However, their billing was indescribably hard to work with. There was no clear information or

consistent billing. Corrections often had to be made and customer service is awful. There was an upgrade planned for their equipment that fell behind schedule. I subtracted points on their bid evaluation for Service History, Location, Expertise, and Understanding of Needs/Completeness of Bids. I wanted a quote for 20Mb and only got a quote for 10.5 Mb of bandwidth. We have never used OneNet. Some of the surrounding schools used them and I know of two who had their email servers blacklisted because they had a machine on their network spewing spam. OneNet had no head end firewall to prevent this from happening. I also heard that early on they had oversubscribed their lines which resulted in schools not getting their subscribed bandwidth. I feel that this showed a level of incompetence that I was not willing to bank on. I gave them 0 points for Service History as I had none and subtracted points on Expertise of the Company, Understanding Needs, and Location. They do not provide on-site assistance.

I had never heard of, much less had any experience with AIP Solutions, OneSource Networks, or onetel. None of them were local and though their pricing was lower, I was hesitant to change over to an unknown service provider that did not bother to list any references for such a critical component of our daily operations. I gave no points for Service History and deducted points for Understanding Needs, Expertise. These companies submitted a pricing sheet without any information about their company.

THE PROCUREMENT

9. In 2013-14 as Technology Director, my main consideration regarding internet access was reliable connectivity. Second to that was response to loss of connectivity. As our

network grew, we had been able to get by with less bandwidth because we managed the bandwidth that we had with the help of our supplier. In 2013-14, we were seeking quotes for only 20Mb of bandwidth even though we had over 860 students.

Some of the bidders included email services in their bid and we needed email service to be provided. We wanted support in the management of content filtering to protect our students from inappropriate sites. We needed assistance in managing our firewall to protect our assets from hackers, spam attacks, malware, etc. as well as keeping sites that are valuable to education available. We also wanted a supplier that had a firewall at the head of the network to provide additional protection from intrusion and malware/viruses. We wanted someone local that could make sure that connectivity was restored as quickly as possible.

10. Accordingly, I decided what evaluation criteria to use to evaluate the bids received.

11. I received a list of possible categories from our consultant, CRW Consulting, but I determined which categories we would use for evaluation of the bids.

12. The competitive bidding process was fair and open. Meet Point did not have any role in the development of the RFP nor did it have any information not available to any other bidder.

THE EVALUATION PROCESS 2013 (Internet)

13. I decided to use Price of Eligible Goods and Services, Service History, Expertise of Company, Understanding of Needs/Completeness of Bids, and Location of Company as evaluation categories. I assigned 25 points as the max points for Price in keeping with E-rate rules that price be the greatest factor in the process. I gave Service History 20 points

because I valued that quality highly. I gave Expertise and Understanding Needs/Completeness of Bids 20 points each as well. I gave Location 15 points. If a company could provide support remotely I didn't count this as strongly.

14. As the only tech support person for the district, I wanted a vendor that understood the demands on technology staff in public schools of Oklahoma and would answer the phone and speak in understandable terms during the troubleshooting process. I did not want to sit on hold or deal with an automated calling system to get tech support. I wanted a vendor that had the reputation of maintaining reliable consistent connection at the subscribed bandwidth and the expertise to maintain and troubleshoot service issues quickly even if it meant an on-site visit. All of these were covered by the categories of Location, Expertise, Understanding Needs, and Service History.

Regarding Price of Eligible Goods and Services, I was looking for a bid that would include the bandwidth that we wanted as well as the support we needed and I also wanted a vendor that provided email services. Some bidders only included internet access in their bid even though management, support and email were all eligible services and were requested.

15. It took me at least 8 hours to do the evaluations over 3 days as it was my first time and I was trying to be thorough. I read all the documents that the vendors sent and for the ones that I had never heard of, I visited their websites to see where they were and how big they were. I was interested to know in what areas of the state, country, or world they were providing service. As I've previously stated, we need a supplier that can respond quickly to an outage or to a network problem. If a company was not local or at least have a local office, I took points from Location. Even if they weren't local, I gave them at least 66%

of the points though. Several of the bids were incomplete. We specifically requested additional levels of customer support (Internet Maintenance) as well as email and web hosting. The AIP bid and One Source bid did not address any of these services. These companies submitted a basic pricing sheet without any background information of the company or detail of the services offered in their bid. So, if the bid didn't include maintenance, I took off points for Completeness of Bid. I didn't give anyone a zero except in the Service History category. If there was no service history, they got no points. In 2013, web hosting and email were still eligible and some suppliers included that with their internet service. I took that into consideration when looking at the cost. We have never used OneNet. Some of the surrounding schools used them and I know of two who had their email servers blacklisted because they had a machine on their network spewing spam. OneNet had no head end firewall to prevent this from happening. I also heard that early on they had oversubscribed their lines which resulted in schools not getting their subscribed bandwidth. I feel that this showed a level of incompetence that I was not willing to bank on. I gave them 0 points for Service History as I had none and subtracted points on Expertise of the Company, Understanding Needs, and Location. They do not provide on-site assistance.

For the Price of Goods and Services category I gave the maximum points to AIP who had the lowest bid. I took five points from Meet Point, the highest bid, who got the lowest points, 20, in that category. Meet Point did include maintenance, on-site support, email, and web hosting in their bid, and this fact made the points awarded to them justified to me. They are local and I had experienced excellent service from their staff, so I gave 20

points for Service History, 20 for Expertise of Company, 20 for Understanding Needs/Completeness of Bids, and 15 for Local.

16. The total points I gave them were 95.

USAC REVIEW OF THESE APPLICATIONS

When I began to do the bid evaluations for the school, I looked at the previous 2 years to see how the points were assigned and followed that pattern. Because those applications had been approved by USAC, I believed they were done correctly. Then when this application was approved, I felt confident that I had done it correctly.

17. As I understand the standard, we were to make a choice of the most "cost-effective" provider. Accordingly, we evaluated the quality of the services offered and whether they best met our needs and the price of those services and selected what we believed was the most cost effective for the services offered.

I certify under penalty of perjury that the foregoing is true and correct.

Eleanor Aycock
[Name] 2945 S. Hickory St.
[Address] Sapulpa, Ok 74066

Subscribed and sworn to before me this 6th day of July, 2016.

NOTARY PUBLIC-STATE OF OKLAHOMA



S. VANDERVORT
COMMISSION # 14003463
CREEK COUNTY

M. D. L. J.
Notary Public

Exhibit 1: Request for Proposal

[Sign up](#) [Sign In](#)

Request for Proposal

RFP Posted
14 September 2012

Lone Star School District 8

District Address
PO BOX 1170, SAPULPA, OK
74067

RFP ID: 207730001045360



Bid Deadline:
12 October 2012
Questions Due By:
05 October 2012

RFP Requirements

- All Questions and Bids must be submitted using the on-line RFP system. If for some reason the system is down before the respective deadline, please email your bid to info@crwconsulting.com or fax it to 918.445.0049. Bids or questions submitted in this fashion will be disqualified if the on-line system is active at the time of submission.
- Bidder must agree to participate in USF Program (AKA "E-rate") for the corresponding funding year.
- Please include the correct Service Provider Identification Number (SPIN) on your bid.
- By submitting a bid, bidder certifies that the bidder does have a valid (non-red light status) SPIN for the E-rate program at the time of submission. Should the Applicant discover that the bidder is on red light status, or if the FCC classifies the bidder as on red-light status before work is performed and invoices are paid, the contract will be null and void and the applicant will have no payment obligations to the bidder.
- Contracts should be contingent upon E-rate funding unless stated otherwise.
- Bidder must agree to provide the Applicant the choice of discount methods (SPI or BEAR).
- Bidder will be automatically disqualified if the District determines that the bidding company has offered any employee of the District any individual gift of more than \$20 or gifts totaling more than \$50 within a 12 month period.
- Depending on E-rate funding, the district may choose to proceed with all or part of the projects, at the district's discretion.
- Applicant reserves the right to voluntarily renew any contract for up to (5) consecutive one-year terms upon written notice. **We highly suggest your submitted bids and contracts include this statement.**

Services and Equipment Requested

LONE STAR
PO BOX 1170
SAPULPA, OK 74067

Internet Access - Minimum 10Mb bandwidth, applicant considering upgrading to 20 Mb bandwidth. The terminating address for this circuit is 2945 S. Hickory St., Sapulpa, OK 74066.

Internet maintenance - Email and web hosting services

Upload Bid:



Questions Received with District Answers:

[Submit a Question](#)

No Data

Exhibit 2: Bids Received

Lone Star Public Schools
Meet Point Networks

10mg – 60 month term - \$2,160.00 monthly \$1,500.00 One-time install charge
10mg Internet Maintenance – 60 month term - \$1,300.00 monthly
10mg Total: \$3,460.00 monthly \$1,500.00 One-time install charge

20mg – 60 month Term -\$3,000.00 monthly \$1,500.00 One-time install charge
20mg Internet Maintenance – 60 month term - \$1,950.00 monthly
20mg Total: \$4,950.00 monthly \$1,500.00 One-time install charge

30mg – 60 month Term - \$3,605.00 monthly \$1,500.00 One-Time install charge
30mg Internet Maintenance – 60 month term - \$1,950.00 monthly
30mg Total: \$5,555.00 monthly \$1,500.00 One-time install charge

40mg – 60 month Term - \$4,210.00 monthly \$1,500.00 One-time install charge
40mg Internet Maintenance – 60 month term - \$1,950.00 monthly
40mg Total: \$6,160.00 monthly \$1,500.00 One-time install charge

Brad Schimmel
A.I.P. Solutions
972-865-6223 direct
972-365-4986 cell
972-295-9666 fax

Lone Star School District 8

District Address

PO BOX 1170, SAPULPA, OK 74067

RFP ID: 457570001044626

10mg 20mg DIA Pricing

1 Year Term

Level 3

Loc 1: (918224) 2945 S Hickory St., Sapulpa, OK, 74066

Service Type: Internet

Quote Router: Yes

Access: 7xDS-1

Comments: dont send

Bandwidth (Mbps):10.5

Data Services- Recurring

Description	Qty	Price	Monthly
Dedicated Internet Port- 10.5Mb	1	880.60	880.60
Access Circuit 7xDS-1	1	991.76	991.76

Equipment- Recurring

Description	Qty	Price	Monthly
Managed Router- ADTRAN 4305	1	273.00	273.00

Installation Services

Description	Qty	Price	One-Time
DIA Port Installation	1	4,800.00	4,800.00
Access Circuit Installation	1	0.00	0.00

Summary	Monthly	One Time
Site Total	2,145.36	4,800.00

Level 3

Loc 1: (918224) 2945 S Hickory St., Sapulpa, OK, 74066

Service Type: Internet

Quote Router: Yes

Access: 10M FastE

Comments: dont send

Bandwidth (Mbps):10

Data Services- Recurring

Description	Qty	Price	Monthly
Dedicated Internet Port- 10Mb	1	455.00	455.00
Access Circuit FE	1	687.64	687.64
Equipment- Recurring			
Description	Qty	Price	Monthly
Managed Router- ADTRAN 3120	1	154.00	154.00
Installation Services			
Description	Qty	Price	One-Time
DIA Port Installation	1	500.00	500.00
Access Circuit Installation	1	500.00	500.00
<hr/>			
Summary		Monthly	One Time
Site Total		1,296.64	1,000.00

Level 3

Loc 1: (918224) 2945 S Hickory St., Sapulpa, OK, 74066

Service Type: Internet **Quote Router:** Yes
Access: 20M FastE **Comments:** dont send

Bandwidth (Mbps):20

Data Services- Recurring

Description	Qty	Price	Monthly
Dedicated Internet Port- 20Mb	1	700.00	700.00
Access Circuit FE	1	781.27	781.27
Equipment- Recurring			
Description	Qty	Price	Monthly
Managed Router- ADTRAN 4430	1	248.50	248.50
Installation Services			
Description	Qty	Price	One-Time
DIA Port Installation	1	500.00	500.00
Access Circuit Installation	1	500.00	500.00
<hr/>			
Summary		Monthly	One Time
Site Total		1,729.77	1,000.00

2 Year Term

Level 3

Loc 1: (918224) 2945 S Hickory St., Sapulpa, OK, 74066

Service Type: Internet **Quote Router:** Yes
Access: 7xDS-1 **Comments:** dont send

Bandwidth (Mbps):10.5

Data Services- Recurring

Description	Qty	Price	Monthly
Dedicated Internet Port- 10.5Mb	1	843.50	843.50
Access Circuit 7xDS-1	1	985.88	985.88
Equipment- Recurring			
Description	Qty	Price	Monthly
Managed Router- ADTRAN 4305	1	238.00	238.00
Installation Services			
Description	Qty	Price	One-Time

DIA Port Installation	1	0.00	0.00
Access Circuit Installation	1	0.00	0.00
Summary	Monthly	One Time	
Site Total	2,067.38	0.00	

Level 3

Loc 1: (918224) 2945 S Hickory St., Sapulpa, OK, 74066

Service Type: Internet Quote Router: Yes
Access: 10M FastE Comments: dont send

Bandwidth (Mbps):10

Data Services- Recurring

Description	Qty	Price	Monthly
Dedicated Internet Port- 10Mb	1	432.60	432.60
Access Circuit FE	1	628.24	628.24

Equipment- Recurring

Description	Qty	Price	Monthly
Managed Router- ADTRAN 3120	1	122.50	122.50

Installation Services

Description	Qty	Price	One-Time
DIA Port Installation	1	0.00	0.00
Access Circuit Installation	1	0.00	0.00

Summary	Monthly	One Time
Site Total	1,183.34	0.00

Level 3

Loc 1: (918224) 2945 S Hickory St., Sapulpa, OK, 74066

Service Type: Internet Quote Router: Yes
Access: 20M FastE Comments: dont send

Bandwidth (Mbps):20

Data Services- Recurring

Description	Qty	Price	Monthly
Dedicated Internet Port- 20Mb	1	665.00	665.00
Access Circuit FE	1	716.47	716.47

Equipment- Recurring

Description	Qty	Price	Monthly
Managed Router- ADTRAN 4430	1	217.00	217.00

Installation Services

Description	Qty	Price	One-Time
DIA Port Installation	1	0.00	0.00
Access Circuit Installation	1	0.00	0.00

Summary	Monthly	One Time
Site Total	1,598.47	0.00

3 Year Term

Level 3

Loc 1: (918224) 2945 S Hickory St., Sapulpa, OK, 74066

Service Type: Internet

Quote Router: Yes

Access: 7xDS-1

Comments: dont send

Bandwidth (Mbps):10.5

Data Services- Recurring

Description	Qty	Price	Monthly
Dedicated Internet Port- 10.5Mb	1	807.10	807.10
Access Circuit 7xDS-1	1	843.36	843.36

Equipment- Recurring

Description	Qty	Price	Monthly
Managed Router- ADTRAN 4305	1	213.50	213.50

Installation Services

Description	Qty	Price	One-Time
DIA Port Installation	1	0.00	0.00
Access Circuit Installation	1	0.00	0.00

Summary	Monthly	One Time
Site Total	1,863.96	0.00

Level 3

Loc 1: (918224) 2945 S Hickory St., Sapulpa, OK, 74066

Service Type: Internet

Quote Router: Yes

Access: 10M FastE

Comments: dont send

Bandwidth (Mbps):10

Data Services- Recurring

Description	Qty	Price	Monthly
Dedicated Internet Port- 10Mb	1	409.50	409.50
Access Circuit FE	1	590.10	590.10

Equipment- Recurring

Description	Qty	Price	Monthly
Managed Router- ADTRAN 3120	1	101.50	101.50

Installation Services

Description	Qty	Price	One-Time
DIA Port Installation	1	0.00	0.00
Access Circuit Installation	1	0.00	0.00

Summary	Monthly	One Time
Site Total	1,101.10	0.00

Level 3

Loc 1: (918224) 2945 S Hickory St., Sapulpa, OK, 74066

Service Type: Internet

Quote Router: Yes

Access: 20M FastE

Comments: dont send

Bandwidth (Mbps):20

Data Services- Recurring

Description	Qty	Price	Monthly
Dedicated Internet Port- 20Mb	1	630.00	630.00
Access Circuit FE	1	671.40	671.40

Equipment- Recurring

Description	Qty	Price	Monthly
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Managed Router- ADTRAN 4430	1	192.50	192.50
Installation Services			
Description	Qty	Price	One-Time
DIA Port Installation	1	0.00	0.00
Access Circuit Installation	1	0.00	0.00
Summary		Monthly	One Time
Site Total		1,493.90	0.00

E-Rate Proposal for Managed Internet Service October 9, 2012



To: Lone Star School District 8
South Hickory Road
Sapulpa, OK 74066

From: JAN LUPTON - LEIBOLD, AT&T Sales Mgmt/Support
405 N BROADWAY AVE, RM 1029, OKLAHOMA CITY, OK 73102
Office: (405) 319-6007
Email: jl840a@us.att.com

Introduction

In response to Form 470 bid #**207730001045360**, I'm providing information on an AT&T solution that may meet your requirements and qualify for E-Rate funding. The solution includes the following components:

- Managed Internet Service (MIS) is an Internet access service that combines a high-speed, dedicated connection with consolidated application management. It lets you reliably access information resources and communicate with Internet users worldwide. MIS includes proactive, 24x7 network monitoring, enhanced network security features, and maintenance of the communications link between your locations and the AT&T network. AT&T's Service Provider Identification Number (SPIN) for Managed Internet Service (MIS) is 143001192.

Features and Benefits

The solution gives you the following:

- Redundancy—We provide service availability of 99.999% to ensure that your Internet traffic gets through. The network design and proactive monitoring of our nationwide backbone network make it highly reliable. Because the network architecture features redundant routers, switches, and power supplies, we can reroute traffic around outages and restore service almost instantaneously.
- Customizable Service—MIS provides you with customizable maintenance, service, and support options so you can choose the level of network management you need. You'll be working with a industry-leading network provider that has the flexibility and resources to help you prepare for the future and keep your competitive edge.
- Multiprotocol Label Switching (MPLS) Private Network Transport (PNT)—The MPLS PNT feature, available only at sites with local channel access, lets us add unique Virtual Private Network (VPN) ID labels to your data as it enters the IP network. The MPLS



E-Rate Proposal for Managed Internet Service October 9, 2012



PNT labels let us use separate routing tables to segregate your data traffic from other IP network traffic and provide you with network-based IP VPN.

Take the
pledge to
stop texting
while driving

[Click to learn
more.](#)

Advantages of AT&T

Working with AT&T gives you the following advantages:

- **Commitment**—We're committed to exploring every alternative to meet your unique communication requirements. We take the time to learn your business and to become an extension of your staff.
- **Agility**—With our integrated, agile networking platform, you can quickly add or change applications as your business needs dictate.
- **Control**—AT&T gives you easy access to real-time performance information and online tools so you can be in control of your network.
- **E-Rate Experience**—AT&T has participated in the E-Rate program for schools and libraries since the program's inception in 1998, and we're one of the program's largest service providers. We're proud to bring our technology, expertise, E-Rate knowledge, and education experience to your school or library, helping expand affordable access to advanced telecommunication services. For more information about AT&T and its participation in the E-Rate program, go to www.att.com/erate and download the E-Rate brochure.

Solution Pricing

Pricing for Managed Internet Service (MIS) is based on a 36-month term.

	<u>Monthly</u>	<u>Install</u>
Basic 10.5 MLPPP	\$2,161.40	\$0.00
OR		
Managed 10.5 MLPPP	\$2,441.95	\$0.00

Contract Required



E-Rate Proposal for Managed Internet Service October 9, 2012




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Proposal Validity Period—The information and pricing contained in this proposal is valid until 1) the parties enter into a fully executed binding contract, 2) AT&T timely withdraws the proposal, or 3) the E-Rate filing window closes for the then-current E-Rate Funding Year, whichever first occurs. **Terms and Conditions**—Unless otherwise stated herein, this proposal is conditioned upon negotiation of mutually acceptable terms and conditions. **Proposal Pricing**—Pricing proposed herein is based upon the specific product/service mix and locations outlined in this proposal, and is subject to AT&T's standard terms and conditions for those products and services and the AT&T E-Rate Rider unless otherwise stated herein. Any changes or variations in the standard terms and conditions, the products/services, length of term, locations, and/or design described herein may result in different pricing. **Disclaimer**—For purposes of this Proposal, the identification of certain services as "eligible" or "non-eligible" for Universal Service ("E-Rate") funding is not dispositive, nor does it suggest that this or any other services in this Proposal will be deemed eligible for such funding. Any conclusions regarding the eligibility of services for E-Rate funding must be based on several factors, many of which have yet to be determined relative to the proposed services and equipment described herein. Such factors will include, without limitation, the ultimate design configuration of the network, the specific products and services provisioned to operate the network, and the type of customer, and whether the services are used for eligible educational purposes at eligible locations. In its proposal, AT&T will take guidance from the "Eligible Services List" and the specific sections on product and service eligibility on the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") website www.usac.org/sl. This site provides a current listing of eligible products and services, as well as conditionally eligible and ineligible services. This guidance notwithstanding, the final determination of eligibility will be made by the SLD after a review of the customer's E-Rate application for this proposal. If AT&T is awarded the bid for this project, AT&T will provide assistance on the E-Rate application solely on matters relative to the functionality of the services and products which comprise the network. Nevertheless, the responsibility for the E-Rate application is with the customer. AT&T is not responsible for the outcome of the SLD's decision on these matters. **Broadband Internet Access**—For information about AT&T's broadband Internet access services, please visit www.att.com/broadbandinfo.



ONE SOURCE							
N E T W O R K S							
PROPOSAL FOR LONE STAR SCHOOL DISTRICT 2945 S HICKORY ST, SAPULPA OK 74066							
		1 Year Term		3 Year Term		5 Year Term	
QUANTITY	SERVICES	MRC	NRC	MRC	NRC	MRC	NRC
10Mbps Dedicated Internet							
10Mbps	Dedicated Internet Access	\$ 1,400.00	\$ 1,400.00	\$ 1,147.50	\$ 400.00	\$ 1,027.00	\$ -
	TOTAL	\$ 1,400.00	\$ 1,400.00	\$ 1,147.50	\$ 400.00	\$ 1,027.00	\$ -
20Mbps Dedicated Internet							
20Mbps	Dedicated Internet	\$ 2,114.00	\$ 1,400.00	\$1,728.00	\$400.00	\$ 1,547.00	\$ -
	TOTAL	\$ 2,114.00	\$ 1,400.00	\$ 1,728.00	\$ 400.00	\$ 1,547.00	\$ -

Mendy Turner | Senior Account Director
 tel: 512.721.2595 | mobile: 972.201.7722
www.onesourcenetworks.com | Tell us how we are doing




E-Rate Funding Year 2013



**SPIN 143015254
FCC RN 001199307**

**MTM – INTERNET ACCESS
(Month to Month service -- no contract needed)**

Lone Star School

Proposal Contingent upon E-Rate Funding

Internet Access Service	Monthly\$	Annual\$
10mb	\$2,033.00	\$24,396.00
or		
20mb	\$2,100.00	\$25,200.00
Establishment Fee		\$1600.00

OneNet Internet services include the connection from your location to our hub site, unlimited email services, web hosting, and related technical support.

Customer will provide their own router:

10mb will require router with 2 Ethernet Interfaces; one interface for internet connection and one for LAN

20mb will require 2 Fast Ethernet Interfaces; one interface for internet connection and one for LAN

Proposed By:

A handwritten signature in black ink, appearing to read "Ami Layman".

Ami Layman

Accounts Receivable Supervisor
OneNet
PO Box 108800
Oklahoma City, OK 73101-8800
(888) 566-3638

Accepted By:

Authorized Signature

Date

**If you select OneNet as your provider, please sign and date this with your
allowable contract date based on your 470 posting.**

Please contact OneNet when you are ready to order services.

RETAIN ORIGINAL FOR YOUR ERATE RECORDS



Official Proposal



Lone Star School District 8
c/o Chris Webber
SOUTH HICKORY ROAD
SAPULPA, OK 74066

TO ORDER PLEASE CONTACT:
Justin Martin
OneTel
Office Phone - (801) 214-7017
Email - jmartin@onetelone.com

The following proposal is in response to the Form 470 for **INTERNET SERVICES** at the **LONE STAR SCHOOL DISTRICT 8** posted on September 14, 2012 by CRW Consulting.

AireSpring is a participating service provider with the E-Rate Program providing internet and telecom services (SPIN: 143029426). The quote listed below can be adjusted to meet the bandwidth and terms needed by the school. For additional cloud services (e.g., firewall, email hosting, web hosting, VOIP, etc.), please contact Justin Martin.

OneTel's primary focus is bringing its 14 years of E-Rate expertise in benefiting K-12 education entities. OneTel has a strong track record supporting its claim and ensuring that the Lone Star School District 8 will capture all available E-Rate funding and will remain compliant with the E-Rate program. The key to OneTel's success is combining networking and telecommunications expertise with E-Rate experience, strategy and compliance for school districts.


Install Location: SOUTH HICKORY ROAD , SAPULPA, OK 74066					Install NPA/NXX: 918-224		
Dedicated Internet Access							
	Carrier	Service Description	Bandwidth down up	Router	Term	Install	Monthly Cost
1	<div></div>	AireSpring Fractional DS3 Network: GlobalCrossing	9M x 9M	No	3 Year	\$0.00	\$3,066.96
2	<div></div>	AireSpring Fractional DS3 Network: GlobalCrossing	21M x 21M	No	3 Year	\$0.00	\$3,789.96


** Details of this circuit can be found at the end of this quote

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*Prices are valid through the end of the calendar month. This proposal was generated Wednesday, September 19, 2012

Details of the Services in Your Quote:

1	
Quote	1134188
Quote Line	2
Email Addresses	Not Included
IPs	Unlimited Static IPs This is the number of IP addresses (fixed ports of entry to the internet) that come with this package.
Web Hosting	Not Included

2	
Quote	1134188
Quote Line	16
Email Addresses	Not Included

IPs	Unlimited Static IPs This is the number of IP addresses (fixed ports of entry to the internet) that come with this package.
Web Hosting	Not Included

Exhibit 3: 471 Application

FCC Form 471

Approval by OMB
3060-0806**Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471****Estimated Average Burden Hours per Response: 4 hours**

This form is designed to help schools and libraries to list the eligible services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.usac.org/sl.)**The instructions include information on the deadlines for filing this application.**

Applicant's Form Identifier (Create an identifier for your own reference) Lone Star Y16	Form 471 Application #: 880118 (To be assigned by administrator)
Block 1: Billed Entity Address and Identifications	
<div>1 Name of Billed Entity LONE STAR SCHOOL DISTRICT 8</div> <div>2 Funding Year 2013</div> <div>3a Entity Number 140103</div> <div>3b FCC Registration Number 0012680153</div> <div>4a Street Address, P.O. Box, or Route Number SOUTH HICKORY ROAD</div> <div> City SAPULPA State OK Zip Code 74066-0000</div> <div>4b Telephone Number (918) 224-0201</div> <div>4c Fax Number (918) 224-3927</div> <div>5a Type of Application (check only one) <input type="radio"/> Individual School (individual public or non-public school) <input checked="" type="radio"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) <input type="radio"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries) <input type="radio"/> Statewide application for (enter 2-letter state code) representing (check all that apply) <input type="checkbox"/> All public schools/districts in the state <input type="checkbox"/> All non-public schools in the state <input type="checkbox"/> All libraries in the state</div> <div>5b Recipient(s) of Services: <input type="checkbox"/> Private <input checked="" type="checkbox"/> Public <input type="checkbox"/> Charter <input type="checkbox"/> Tribal <input type="checkbox"/> Head Start <input type="checkbox"/> State Agency</div>	
Entity Number: 140103	Applicant's Form Identifier: Lone Star Y16
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048
Block 1: Billed Entity Address and Identifications (continued)	
<div>6a Contact Person's Name Karla Hall or Chris Webber</div> <div>If the Contact Person's Street Address is the same as Item 4 above, check here. <input type="checkbox"/> If not, complete Item 6b.</div> <div>6b Street Address, P.O. Box, or Route Number NOTE: USAC will use this address to mail correspondence about this form. PO Box 701713</div> <div> City Tulsa State OK Zip Code 74170-1713</div> <div>Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided. <input type="checkbox"/> 6c Telephone Number (918) 445 - 0048 <input type="checkbox"/> 6d Fax Number (918) 445 - 0049 <input checked="" type="checkbox"/> 6e E-Mail Address info@crwconsulting.com Re-enter E-mail Address info@crwconsulting.com</div> <div> 6f Holiday/vacation/summer contact information: please include name of alternate contact (if applicable) and alternate phone, fax or E-mail address</div> <div> If a consultant is assisting you with your application process, please complete Item 6g below:</div> <div>6g Consultant Name Karla Hall Name of Consultant's Employer CRW Consulting Consultant's Street Address P.O. Box 701713</div> <div> City Tulsa State OK Zip Code 74170 Consultant's Telephone Number (918) 445-0048 Ext. Consultant's Fax Number (918) 445-0049 Consultant's E-mail Address info@crwconsulting.com Re-enter E-mail Address info@crwconsulting.com Consultant Registration Number 16024800</div>	

Entity Number: 140103		Applicant's Form Identifier: Lone Star Y16	
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048	
Complete this information on EVERY Form 471 you file for the services requested on that form. Please complete all rows that apply to services for which you are requesting discounts.			
Schools/school districts complete the left-hand column and libraries complete the right-hand column. Consortia complete all that apply.			
Block 2: Impact of Services Ordered for Schools and Libraries from this Form 471			
	Schools	Libraries	
7a Number of students or patrons to be served	815	0	
b Telephone service: Number of classrooms or rooms with phone service	23	0	
c Direct connections to the Internet: Number of drops	290	0	
d Number of classrooms or rooms with Internet access	79	0	
e Number of computers or other devices with Internet access	290	0	
f Number of dial-up Internet access and other connections of up to 200 kbps :	0	0	
g High-speed Internet access services: Number of buildings served at the following speeds (please use advertised download speed coming into building, not actual speed in classroom or work area):	At or greater than 200 kbps and less than 1.5 mbps	0	0
	At or greater than 1.5 mbps and less than 3 mbps	0	0
	At or greater than 3 mbps and less than 10 mbps	0	0
	At or greater than 10 mbps and less than 25 mbps	1	0
	At or greater than 25 mbps and less than 50 mbps	0	0
	At or greater than 50 mbps and less than 100 mbps	0	0
	Greater than 100 mbps	0	0
Block 3:			
8 [Reserved]			

Entity Number: 140103					Applicant's Form Identifier: Lone Star Y16									
Contact Person: Karla Hall or Chris Webber					Contact Phone Number: (918) 445-0048									

Block 4: Discount Calculation Worksheet **Worksheet - 1505122**
Page 1 of 1

The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you are filing. If you file more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions for information specific to the Type of Application you indicated in Block 1, Item 5.

☐ Check here if this worksheet contains all eligible entities in the school district or library system.

9a List entities and calculate discount(s): (For Administrator's Use)
School District or Library System Name: **School District or Library System Entity Number:**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Name of Eligible Entity	Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	Urban or Rural U or R	Total Number of Students	Number of Students Eligible for NSLP	Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	Disc. from Disc. Matrix	New Construction	Admin Entity or NIF	Alt Disc Mech	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	Insert appropriate codes(s): P = pre-K, H = Head Start, A = Adult Education, J = Juvenile Justice, E = ESA, D = Dormitory	Entity Number of School District in which Library Outlet/Branch is Located	Discount of Member Entity	Shared Discount
ALL ENTITIES			SCHOOLS AND LIBRARIES							Schools with shared services	Schools	Library Outlet/Branch	Consortia	
LONE STAR ELEMENTARY SCHOOL	84583 40 18240 00872	U	815	419	51.411%	80	N	N	N	65200	P			
9b Shared Services														
SCHOOL DISTRICTS: (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 11. Divide the total of Column 11 by the total of Column 4. Enter the result in Column 15.			815							65200				80%
LIBRARY SYSTEMS: Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 15.														
CONSORTIA: Calculate the total of Column 14. Divide this total by the number of member entities. Enter the result in Column 15.														

Entity Number: 140103		Applicant's Form Identifier: Lone Star Y16																																	
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048																																	
Block 5: Discount Funding Request(s)		Block 5, page 1 of 6																																	
Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		FRN 2400929 (to be assigned by administrator)																																	
10 <input type="checkbox"/> If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:																																			
11 Category of Service (only ONE category should be checked) <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> PRIORITY 1 <input checked="" type="checkbox"/> Telecommunications Service <input type="checkbox"/> Internet Access </td> <td style="width: 50%; vertical-align: top;"> PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections </td> </tr> </table>		PRIORITY 1 <input checked="" type="checkbox"/> Telecommunications Service <input type="checkbox"/> Internet Access	PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections	23 Calculations <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td rowspan="5" style="width: 10%; text-align: center; vertical-align: middle;">Recurring Charges</td> <td>A. Monthly charges (total amount per month for service)</td> </tr> <tr> <td style="text-align: right;">\$110.78</td> </tr> <tr> <td>B. How much of the amount in A is ineligible?</td> </tr> <tr> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>C. Eligible monthly pre-discount amount (A minus B)</td> </tr> <tr> <td rowspan="5" style="width: 10%; text-align: center; vertical-align: middle;">Non-Recurring Charges</td> <td style="text-align: right;">\$110.78</td> </tr> <tr> <td>D. Number of months service provided in funding year</td> </tr> <tr> <td style="text-align: right;">12</td> </tr> <tr> <td>E. Annual pre-discount amount for eligible recurring charges (C x D)</td> </tr> <tr> <td style="text-align: right;">\$1,329.36</td> </tr> <tr> <td rowspan="5" style="width: 10%; text-align: center; vertical-align: middle;">Total Charges</td> <td>F. Annual non-recurring charges</td> </tr> <tr> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>G. How much of the amount in F is ineligible?</td> </tr> <tr> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>H. Annual eligible pre-discount amount for non-recurring charges (F minus G)</td> </tr> <tr> <td rowspan="3" style="width: 10%; text-align: center; vertical-align: middle;">Total Charges</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>I. Total funding year pre-discount amount (E + H)</td> </tr> <tr> <td style="text-align: right;">\$1,329.36</td> </tr> <tr> <td colspan="2" rowspan="3"></td> <td style="text-align: right;">J. Discount from Block 4 Worksheet</td> <td style="text-align: right;">80.00</td> </tr> <tr> <td colspan="2" style="text-align: right;">K. Funding Commitment Request (I x J)</td> </tr> <tr> <td colspan="2" style="text-align: right;">\$1,063.49</td> </tr> </table>		Recurring Charges	A. Monthly charges (total amount per month for service)	\$110.78	B. How much of the amount in A is ineligible?	\$0.00	C. Eligible monthly pre-discount amount (A minus B)	Non-Recurring Charges	\$110.78	D. Number of months service provided in funding year	12	E. Annual pre-discount amount for eligible recurring charges (C x D)	\$1,329.36	Total Charges	F. Annual non-recurring charges	\$0.00	G. How much of the amount in F is ineligible?	\$0.00	H. Annual eligible pre-discount amount for non-recurring charges (F minus G)	Total Charges	\$0.00	I. Total funding year pre-discount amount (E + H)	\$1,329.36			J. Discount from Block 4 Worksheet	80.00	K. Funding Commitment Request (I x J)		\$1,063.49	
PRIORITY 1 <input checked="" type="checkbox"/> Telecommunications Service <input type="checkbox"/> Internet Access	PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections																																		
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		\$1,063.49																																	
12 Form 470 Application Number 457570001044626																																			
13 SPIN – Service Provider Identification Number 143011191																																			
14 Service Provider Name U.S. Cellular																																			
15a <input checked="" type="checkbox"/> Check this box if this Funding Request is for non-contracted tariffed or month-to-month services.																																			
15b Contract Number MTM																																			
15c <input type="checkbox"/> Check this box if this Funding Request is covered under a master contract (a contract negotiated by a third party, the terms and conditions of which are then made available to an eligible entity that purchases directly from the service provider).																																			
15d <input type="checkbox"/> Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract. If so, provide that FRN here:																																			
16a Billing Account Number (e.g., billed telephone number)																																			
16b <input type="checkbox"/> Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.																																			
17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing) 10/05/2012																																			
18 Contract Award Date (mm/dd/yyyy)																																			
19 Service Start Date (mm/dd/yyyy) 07/01/2013																																			
20a Service End Date (mm/dd/yyyy) 06/30/2014																																			
Contract Expiration Date 20b (mm/dd/yyyy)																																			
21 Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window. Attachment You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided. <div style="text-align: right;">1</div>																																			
22 Entity/Entities Receiving This Service:		a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service: 84583																																	
		b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., 1):																																	

Entity Number: 140103		Applicant's Form Identifier: Lone Star Y16																												
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048																												
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14 Service Provider Name AT&T Mobility																														
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Entity Number: 140103		Applicant's Form Identifier: Lone Star Y16																												
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048																												
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13 SPIN – Service Provider Identification Number 143018999																														
14 Service Provider Name CoxCom, Inc. dba Cox Communications Oklahoma City																														
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14 Service Provider Name Meet Point Networks LLC																														
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15b Contract Number n/a																														
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15d <input checked="" type="checkbox"/> Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract. If so, provide that FRN here: 2263124																														
16a Billing Account Number (e.g., billed telephone number)																														
16b <input type="checkbox"/> Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.																														
17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing) 10/25/2010																														
18 Contract Award Date (mm/dd/yyyy) 02/15/2011																														
19 Service Start Date (mm/dd/yyyy) 07/01/2013																														
20a Service End Date (mm/dd/yyyy)																														
Contract Expiration Date 20b (mm/dd/yyyy) 06/30/2014																														
21 Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window. <div style="float: right; text-align: right;"> Attachment 5 </div> You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided.																														
22 Entity/Entities Receiving This Service:		a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service: 84583 b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., 1):																												

Entity Number: 140103		Applicant's Form Identifier: Lone Star Y16																												
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048																												
Block 5: Discount Funding Request(s)		Block 5, page 6 of 6																												
Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		FRN 2400935 (to be assigned by administrator)																												
10 <input type="checkbox"/> If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:																														
11 Category of Service (only ONE category should be checked) <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;"> PRIORITY 1 <input type="checkbox"/> Telecommunications Service <input checked="" type="checkbox"/> Internet Access </td> <td style="width: 50%; padding: 2px;"> PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections </td> </tr> </table>		PRIORITY 1 <input type="checkbox"/> Telecommunications Service <input checked="" type="checkbox"/> Internet Access	PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections	23 Calculations <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td rowspan="5" style="width: 10%; text-align: center; vertical-align: middle;">Recurring Charges</td> <td style="padding: 2px;">A. Monthly charges (total amount per month for service)</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">B. How much of the amount in A is ineligible?</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">C. Eligible monthly pre-discount amount (A minus B)</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">D. Number of months service provided in funding year</td> <td style="text-align: right; padding: 2px;">12</td> </tr> <tr> <td style="padding: 2px;">E. Annual pre-discount amount for eligible recurring charges (C x D)</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td rowspan="3" style="width: 10%; text-align: center; vertical-align: middle;">Non-Recurring Charges</td> <td style="padding: 2px;">F. Annual non-recurring charges</td> <td style="text-align: right; padding: 2px;">\$2,412.00</td> </tr> <tr> <td style="padding: 2px;">G. How much of the amount in F is ineligible?</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">H. Annual eligible pre-discount amount for non-recurring charges (F minus G)</td> <td style="text-align: right; padding: 2px;">\$2,412.00</td> </tr> <tr> <td rowspan="3" style="width: 10%; text-align: center; vertical-align: middle;">Total Charges</td> <td style="padding: 2px;">I. Total funding year pre-discount amount (E + H)</td> <td style="text-align: right; padding: 2px;">\$2,412.00</td> </tr> <tr> <td style="padding: 2px;">J. Discount from Block 4 Worksheet</td> <td style="text-align: right; padding: 2px;">80.00</td> </tr> <tr> <td style="padding: 2px;">K. Funding Commitment Request (I x J)</td> <td style="text-align: right; padding: 2px;">\$1,929.60</td> </tr> </table>		Recurring Charges	A. Monthly charges (total amount per month for service)	\$0.00	B. How much of the amount in A is ineligible?	\$0.00	C. Eligible monthly pre-discount amount (A minus B)	\$0.00	D. Number of months service provided in funding year	12	E. Annual pre-discount amount for eligible recurring charges (C x D)	\$0.00	Non-Recurring Charges	F. Annual non-recurring charges	\$2,412.00	G. How much of the amount in F is ineligible?	\$0.00	H. Annual eligible pre-discount amount for non-recurring charges (F minus G)	\$2,412.00	Total Charges	I. Total funding year pre-discount amount (E + H)	\$2,412.00	J. Discount from Block 4 Worksheet	80.00	K. Funding Commitment Request (I x J)	\$1,929.60
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12 Form 470 Application Number 457570001044626																														
13 SPIN – Service Provider Identification Number 143030978																														
14 Service Provider Name Municipal Accounting Systems, Inc.																														
15a <input type="checkbox"/> Check this box if this Funding Request is for non-contracted tarified or month-to-month services.																														
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Entity Number: 140103	Applicant's Form Identifier: Lone Star Y16
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 6: Certifications and Signature

24 ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)

a ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38)**, that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or

b ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.

25 ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23i on all Block 5 Discount Funding Requests.)	112047.84
b Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	89638.27
c Total applicant non-discount share (Subtract Item 25b from Item 25a.)	22409.57
d Total budgeted amount allocated to resources not eligible for E-rate support	127748.91
e Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	150158.48

f ☐ Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 25e.

26 ☐ I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body or an SLD-certified technology plan approver prior to the commencement of service.

Or ☒ I certify that no technology plan is required by Commission rules.

27 ☒ I certify that (if applicable) I posted my Form 470 and (if applicable) made any related RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.

28 ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

29 ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

30 ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

Entity Number: 140103	Applicant's Form Identifier: Lone Star Y16
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 6: Certification and Signature (Continued)

31 ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

32 ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

33 ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

34 ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

35 ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).

36 ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F.R. § 54.506(c).

37 ☒ I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38 Signature of authorized person <input type="checkbox"/>	39 Date
---	----------------

40	Printed name of authorized person	Chris Webber
41	Title or position of authorized person	Consultant
<input type="checkbox"/> Check here if the consultant in Item 6g is the Authorized Person.		
42a	Street Address, P.O. Box, or Route Number	
	PO Box 701713	
	City	Tulsa
	State	OK
	Zip Code	74170-1713

Entity Number: 140103		Applicant's Form Identifier: Lone Star Y16	
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048	
42b	Telephone Number of authorized Person	(918) 445-0048	Ext.
42c	Fax Number of Authorized Person	(918) 445-0049	
42d	E-mail Address of authorized Person	info@crwconsulting.com	
	Re-enter E-mail Address	info@crwconsulting.com	
42e	Name of Authorized Person's Employer	CRW Consulting	

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:
SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:
SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100

FCC Form 471 - October 2010

Close Print Preview

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Exhibit 4: Notification of Commitment Adjustment Letter

Notification of Commitment Adjustment Letter

Funding Year 2013: July 1, 2013 - June 30, 2014

May 20, 2016

Karla Hall or Chris Webber
LONE STAR SCHOOL DISTRICT 8
PO Box 701713
Tulsa, OK 74170 1713

Re: Form 471 Application Number:	880118
Funding Year:	2013
Applicant's Form Identifier:	Lone Star Y16
Billed Entity Number:	140103
FCC Registration Number:	0012680153
SPIN:	143035519
Service Provider Name:	Meet Point Networks LLC
Service Provider Contact Person:	Beverley Fielding

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Beverley Fielding
Meet Point Networks LLC

**Funding Commitment Adjustment Report for
Form 471 Application Number: 880118**

Funding Request Number:	2400933
Services Ordered:	INTERNET ACCESS
SPIN:	143035519
Service Provider Name:	Meet Point Networks LLC
Contract Number:	n/a
Billing Account Number:	
Site Identifier:	140103
Original Funding Commitment:	\$48,720.00
Commitment Adjustment Amount:	\$48,720.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$48,720.00
Funds to be Recovered from Applicant:	\$48,720.00
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Based on the documentation you provided during the Special Compliance Review, FRN 2400933 will be denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that In evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to prices available commercially and stated that there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances. You posted requests for minimum 10 MBPS, considering increasing up to 20 MBPS on FCC Form 470# 457570001044626 and the associated RFP. You received a bid from AIP Solutions offering these specific services at an amount of \$1,729.77 per month for 20 MBPS with a \$1,000 one-time charge, a bid from Meetpoint offering these specific services at an amount of \$4,950 per month for 20 MPBS with a \$1,500 one-time charge, a bid from AT&T offering these specific services at an amount of \$2,441.95 per month for 10 MBPS, a bid from OneNet offering these specific services at an amount of \$2,100 per month for 20 MPBS with a \$1,600 one-time charge, a bid from One Source offering these specific services at an amount of \$1,547 per month for 20 MBPS, and a bid from OneTel offering these specific services at an amount of \$3,789.96 per month for 21 MBPS. All bids are for the specific services requested on the Form 470. You selected the bid from Meetpoint. The bid chosen is over two times more costly than the bid offerings from AIP Solutions, OneNet and One Source. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your choice of a bid over two times greater than the prices available from other commercial vendors. Additionally, you provided a document with a signature date of August 31, 2012, which states, "Include web hosting and email from Newnet66. I guess for whomever submits bids." This seems to indicate a pre-disposition to selecting Meet Point since this statement was made prior to the issuance of a Form 470 (FCC Form 470# 457570001044626 was issued on September 7, 2012) and there is an intrinsic relationship between Netnet66 and Meet Point (see <http://www.newnet66.org/aboutnewnet66.html>). Therefore, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

Exhibit 5: Administrator's Decision Letter



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2013-2014

August 05, 2016

Chris Webber
Lone Star School District 8
CRW Consulting, LLC
PO Box 701713
Tulsa, OK 74170-1713

Re: Applicant Name: LONE STAR SCHOOL DISTRICT 8
Billed Entity Number: 140103
Form 471 Application Number: 880118
Funding Request Number(s): 2400933
Your Correspondence Dated: July 15, 2016

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2013 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2400933
Decision on Appeal: **Denied**
Explanation:

- After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Based on the documentation you provided during the Special Compliance Review, FRN 2400933 will be denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that In evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids

received. The selected bid must itself be cost-effective compared to prices available commercially and stated that there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances. You posted requests for minimum 10 MBPS, considering increasing up to 20 MBPS on FCC Form 470# 457570001044626 and the associated RFP. You received a bid from AIP Solutions offering these specific services at an amount of \$1,729.77 per month for 20 MBPS with a \$1,000 one-time charge, a bid from Meetpoint offering these specific services at an amount of \$4,950 per month for 20 MPBS with a \$1,500 one-time charge, a bid from AT&T offering these specific services at an amount of \$2,441.95 per month for 10 MBPS, a bid from OneNet offering these specific services at an amount of \$2,100 per month for 20 MPBS with a \$1,600 one-time charge, a bid from One Source offering these specific services at an amount of \$1,547 per month for 20 MBPS, and a bid from OneTel offering these specific services at an amount of \$3,789.96 per month for 21 MBPS. All bids are for the specific services requested on the Form 470. You selected the bid from Meetpoint. The bid chosen is over two times more costly than the bid offerings from AIP Solutions, OneNet and One Source. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your choice of a bid over two times greater than the prices available from other commercial vendors. Additionally, you provided a document with a signature date of August 31, 2012, which states, "Include web hosting and email from Newnet66. I guess for whomever submits bids." This seems to indicate a pre-disposition to selecting Meet Point since this statement was made prior to the issuance of a Form 470 (FCC Form 470# 457570001044626 was issued on September 7, 2012) and there is an intrinsic relationship between Netnet66 and Meet Point (see <http://www.newnet66.org/aboutnewnet66.html>). Therefore, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

- FCC rules state that, in selecting a service provider, the applicant must carefully consider all bids submitted and must select the most cost-effective service or equipment offering, with price being the primary factor, which will result in being the most cost-effective means of meeting educational needs and the technology plan goals. *See* 47 C.F.R. secs. 54.511(a), 54.503(c)(2)(vii), 54.504(a)(1)(xi). *See* also Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, El Paso, Texas, et al., Federal-State Joint Board of Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., SLD Nos. 321479, et al., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26407, FCC 03-313 paras. 47-55 (Dec. 8, 2003). Service providers shall not charge the entities a price above the lowest corresponding price. *See* 47 C.F.R. sec. 54.511(b). In order to ensure that applicants are not requesting discounts for services beyond their reasonable needs, USAC denies funding request(s) for not being cost-effective. The costs of the

products and services in a funding request should not be significantly higher than the costs generally available in the applicant's marketplace for the same or similar products or services. For example, equipment at prices two or three times greater than the prices available from commercial vendors would not be cost effective, unless there were extenuating circumstances. *See* Ysleta Order para. 54.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Exhibit 6: Bid Evaluations Sheets

BID EVALUATION SHEET - Full

Erate Year 2013

SERVICE/EQUIPMENT BID IS FOR: Internet Access

COMPANY SUBMITTING BID: AT&T

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS & SERVICES	25	21
SERVICE HISTORY	20	10
EXPERTISE OF COMPANY	20	18
UNDERSTANDING OF NEEDS/COMPLETENESS OF BIDS	20	18
LOCATION OF COMPANY	15	12
TOTAL POINTS	100	79

Bid Evaluated by: Ed Aycock

Date: 11-16-12

Signature: Ed Aycock

BID EVALUATION SHEET - Full

Erate Year 2013

SERVICE/EQUIPMENT BID IS FOR: Internet Access

COMPANY SUBMITTING BID: ATP Solutions

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS & SERVICES	25	25
SERVICE HISTORY	20	0
EXPERTISE OF COMPANY	20	17
UNDERSTANDING OF NEEDS/COMPLETENESS OF BIDS	20	18
LOCATION OF COMPANY	15	10
TOTAL POINTS	100	70

Bid Evaluated by: Ed Aycock

Date: 11-16-12

Signature: Edward Aycock

BID EVALUATION SHEET - Full

Erate Year 2013

SERVICE/EQUIPMENT BID IS FOR: Internet Access

COMPANY SUBMITTING BID: One Source Networks

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS & SERVICES	25	24
SERVICE HISTORY	20	0
EXPERTISE OF COMPANY	20	15
UNDERSTANDING OF NEEDS/COMPLETENESS OF BIDS	20	10
LOCATION OF COMPANY	15	10
TOTAL POINTS	100	59

Bid Evaluated by: Ed Aycock

Date: 11-16-12

Signature: Edward Aycock

BID EVALUATION SHEET - Full

Erate Year 2013

SERVICE/EQUIPMENT BID IS FOR: Internet Access

COMPANY SUBMITTING BID: One Net

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS & SERVICES	25	23
SERVICE HISTORY	20	0
EXPERTISE OF COMPANY	20	15
UNDERSTANDING OF NEEDS/COMPLETENESS OF BIDS	20	15
LOCATION OF COMPANY	15	10
TOTAL POINTS	100	63

Bid Evaluated by: Ed Aycock

Date: 11-16-12

Signature: Edward Aycock

BID EVALUATION SHEET - Full

Erate Year 2013

SERVICE/EQUIPMENT BID IS FOR: Internet Access

COMPANY SUBMITTING BID: onetel

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS & SERVICES	25	22
SERVICE HISTORY	20	10
EXPERTISE OF COMPANY	20	15
UNDERSTANDING OF NEEDS/COMPLETENESS OF BIDS	20	10
LOCATION OF COMPANY	15	10
TOTAL POINTS	100	57

Bid Evaluated by: Ed Aycock

Date: 11-16-12

Signature: Edward Aycock

BID EVALUATION SHEET - Full

Erate Year 2013

SERVICE/EQUIPMENT BID IS FOR: Internet Access

COMPANY SUBMITTING BID: Meet Point Networks

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS & SERVICES	25	20
SERVICE HISTORY	20	20
EXPERTISE OF COMPANY	20	20
UNDERSTANDING OF NEEDS/COMPLETENESS OF BIDS	20	20
LOCATION OF COMPANY	15	15
TOTAL POINTS	100	95

Bid Evaluated by: Ed Aycock

Date: 11-16-12

Signature: Edward Aycock